

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------|---|-------------------------------|
| ADDICTION & DETOXIFICATION |) | |
| INSTITUTE, LLC, a New Jersey Limited |) | |
| Liability Corporation |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 13-9271 |
| |) | |
| PETER COLEMAN, an individual, THE |) | Hon. Andrea R. Wood |
| COLEMAN INSTITUTE, LLC, a Virginia |) | Magistrate Judge Maria Valdez |
| Limited Liability Company, and |) | |
| BEHAVIORAL HEALTH CARE |) | |
| ASSOCIATES, LTD., an Illinois |) | |
| Corporation, |) | |
| |) | |
| Defendants. |) | |

**DECLARATION OF ROBERT E. BROWNE, JR.
IN SUPPORT OF DEFENDANTS' MOTION TO STRIKE**

I, Robert E. Browne, Jr. declare and state as follows:

1. I am a member of the bar of the State of Illinois and am admitted to practice before this Court. I am Of Counsel at the law firm of Troutman Sanders LLP, and counsel for defendants Peter Coleman, the Coleman Institute, LLC and Behavioral Health Care Associates, Ltd. As such, I am fully familiar with the facts and circumstances stated herein. My business address is 55 W. Monroe St., Suite 3000, Chicago, Illinois, 60603. I make this declaration based on my own personal knowledge and would testify to the matters stated herein under oath if called upon to do so.

2. As part of an early effort to resolve the matter between the parties, counsel for Plaintiff and Defendants spoke several times in May 2014 under the auspices of settlement. In fact, at a May 9, 2014 status hearing, both parties' counsel appeared before Judge Joan B.

Gottschall and Plaintiff's counsel informed the Court that the parties were discussing settlement. Plaintiff's counsel requested a short stay of 21 days to see if the settlement discussion could lead to a resolution of the matter. Judge Gottschall granted Plaintiff's counsel's request and continued the status hearing until May 30, 2014. (*See* Dkt. # 22).

3. On May 9, 2014 counsel for Plaintiff and Defendants spoke in the hall after the status hearing before Judge Gottschall. During that conversation, Plaintiff's counsel requested that Defendants provide Plaintiff with the protocol and medications that Defendants used in their detoxification procedure.

4. On May 19, 2014, undersigned counsel sent an email to Plaintiff's counsel, Thomas K. Mirabile, stating "[f]ollowing up on our conversation after court on May 9, 2014, please find attached the Protective Order that is provided for in the Local Patent Rules of the Northern District of Illinois. As we discussed, Defendants are willing to provide the information you have requested to continue our settlement discussion with the understanding that the Protective Order becomes effective immediately and that any information we provide in our settlement discussions would fall under the Protective Order." Attached as **Exhibit A** is a true and correct copy of an email sent by Defendants' counsel, Robert E. Browne, Jr., to Plaintiff's counsel, Thomas K. Mirabile, dated May 19, 2014.

5. After Plaintiff's counsel agreed the Protective Order was effective and pursuant to the settlement discussions that had been occurring (and that Judge Gottschall has stayed the case for), Defendants' counsel sent an email to Plaintiff's counsel on May 28, 2014 (the "May 28th email"). Attached as **Exhibit B** is a true and correct copy of an email sent by Defendants' counsel, Robert E. Browne, Jr., to Plaintiff's counsel, Thomas K. Mirabile, dated May 28, 2014.

6. The May 28th email provided specific information concerning the protocol and medications Defendants used in their detoxification procedure so that Plaintiff could understand

Defendants' procedure. The sole purpose of providing this information was so the parties could reach an out-of-court settlement of the matter.

7. The May 28th email stated in the subject line the following: "ADI v. Coleman, et al. – Settlement Communication Subject to FRE 408 – Highly Confidential." (*See* Ex. B).

8. Defendants' counsel did not receive any communications from Plaintiff's counsel, including emails, on May 29, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 29, 2016.

/s Robert E. Browne, Jr.
Robert E. Browne, Jr. (#6255678)
Troutman Sanders LLP
55 W. Monroe St., Suite 3000
Chicago, Illinois 60603

*Attorney for Peter Coleman, The
Coleman Institute and Behavioral
Health Care Associates, Ltd.*

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on January 29, 2016, the foregoing *The Declaration of Robert E. Browne, Jr., in Support of Defendants' Motion to Strike* was served upon all counsel of record via the Court's electronic case filing system pursuant to Local Rule 5.9, and is available for viewing and downloading on the Northern District's PACER system.

/s Robert E. Browne, Jr.

Robert E. Browne, Jr.